

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

*Your Committee on Public Health, to which was referred Senate Bill 41, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 3, line 21, delete "P.L.246-2005," and insert "HEA 1040-2006,
- 2 SECTION 6,".
- 3 Page 3, line 22, delete "SECTION 37,".
- 4 Page 4, delete lines 7 through 15, begin a new line block indented
- 5 and insert:
- 6 "(10) Indiana professional licensing agency.
- 7 (11) Department of insurance, with respect to licensing of
- 8 insurance producers.
- 9 (12) A pension fund administered by the board of trustees of the
- 10 public employees' retirement fund.
- 11 (13) The Indiana state teachers' retirement fund.
- 12 (14) The state police benefit system.
- 13 (15) The alcohol and tobacco commission.".
- 14 Page 4, line 27, delete "the health professions bureau,".
- 15 Page 5, line 9, delete "P.L.218-2005," and insert "HEA 1040-2006,

- 1 SECTION 66,".
- 2 Page 5, line 10, delete "SECTION 2,".
- 3 Page 5, line 35, delete "fire and" and insert "homeland security".
- 4 Page 5, delete line 36.
- 5 Page 5, run in lines 35 and 37.
- 6 Page 11, line 9, after "5-20-4-15" insert ", AS AMENDED BY HEA
- 7 1040-2006, SECTION 121,".
- 8 Page 11, line 20, delete "department of commerce.".
- 9 Page 11, line 20, reset in roman "office of".
- 10 Page 11, line 21, rest in roman "the lieutenant governor.".
- 11 Page 12, line 6, delete "finance" and insert "and community
- 12 development".
- 13 Page 12, line 19, delete "finance" and insert "and community
- 14 development".
- 15 Page 24, line 20, after "5." insert "(a)".
- 16 Page 24, delete lines 21 through 27, begin a new line block indented
- 17 and insert:
- 18 "(1) home health agencies licensed under IC 16-27-1 are ~~approved~~
- 19 **automatically certified as providers** to provide home health
- 20 services; and
- 21 (2) personal services agencies licensed under IC 16-27-4 are
- 22 ~~approved~~ **automatically certified as providers** to provide
- 23 personal services;
- 24 under any federal waiver granted to the state under 42 U.S.C. 1315 or
- 25 42 U.S.C. 1396n, **upon the provider furnishing proof of licensure to**
- 26 **the agency responsible for certifying the provider under the waiver.**
- 27 **(b) A provider who is eligible for certification under subsection**
- 28 **(a) needs only to obtain and maintain a home health agency license**
- 29 **or a personal services agency license through the state department**
- 30 **of health to be certified as a:**
- 31 **(1) home health agency provider of home health services; or**
- 32 **(2) personal services agency provider of personal services;**
- 33 **under a federal waiver granted to the state under 42 U.S.C. 1315**
- 34 **or 42 U.S.C. 1396n.**
- 35 **(c) Except for requirements directly related to claims submission**
- 36 **and claims payment, a provider that is certified under subsection**
- 37 **(a) is exempt from the rules, bulletins, and other regulatory**
- 38 **requirements adopted by the office of the secretary.**

(d) For purposes of this section, the home health services that a licensed home health agency may provide include the following:

- (1) Respite care services.
- (2) Speech language therapy services.
- (3) Occupational therapy services.
- (4) Physical therapy services.
- (5) Nursing services.
- (6) Transportation services.
- (7) Residential habilitation services.
- (8) Community based habilitation services.

(e) For purposes of this section, the personal services that a licensed personal services agency may provide include the following:

- (1) Respite care services.
- (2) Homemaker services.
- (3) Companion services.
- (4) Attendant care services."

Page 40, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 50. IC 12-12-8-2, AS AMENDED BY P.L.217-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter, "consumer control" means, with respect to a center for independent living or an eligible agency: ~~that~~:

- (1) ~~that~~ the center or eligible agency vests power and authority in individuals with disabilities, including individuals who are or have been recipients of independent living services; and

(2) ~~that~~:

(A) at least fifty-one percent (51%) of the **members of the center's board have significant disabilities**; and

(B) **a majority of the center's staff and employees in decision making positions** are individuals with disabilities.

SECTION 51. IC 12-12-8-3.8, AS ADDED BY P.L.217-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.8. As used in this chapter, "state plan" means the materials jointly developed and submitted by the council and the division to the commissioner containing the state's proposals for the following:

- (1) The ~~provision of statewide proposal for providing~~

independent living services **with federal funds under Title VII, Part B of the federal act.**

(2) The development and support of a statewide network of centers for independent living.

(3) Working relationships among:

(A) programs providing independent living services and independent living centers; and

(B) the vocational rehabilitation program administered by the division under the federal act and other programs providing services for individuals with disabilities.

SECTION 52. IC 12-12-8-5, AS ADDED BY P.L.217-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The division is designated as the state unit under Title VII of the federal act and has the following responsibilities:

(1) To receive, account for, and disburse funds received by the state under the federal act based on the state plan.

(2) To provide administrative **assistance to support services to independent living programs and the activities of centers for independent living programs: under Title VII, Part B of the federal act.**

(3) To keep records and take actions with respect to the records as required by the commissioner.

(4) To submit additional information or provide assurances with respect to the independent living programs as required by the commissioner.

SECTION 53. IC 12-12-8-6, AS ADDED BY P.L.217-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) There is established a statewide independent living council. The council is not a part of a state agency.

(b) The council consists of at least twenty (20) members appointed by the governor, including the following:

(1) Each director of a center for independent living located in Indiana.

(2) Nonvoting members from state agencies that provide services for individuals with disabilities.

(3) Other members, who may include the following:

- 1 (A) Representatives of centers for independent living.
- 2 (B) Parents and guardians of individuals with disabilities.
- 3 (C) Advocates for individuals with disabilities.
- 4 (D) Representatives from private business.
- 5 (E) ~~Representative~~ **Representatives** of organizations that
- 6 provide services for individuals with disabilities.
- 7 (F) Other appropriate individuals.
- 8 (c) The members appointed under subsection (b) must:
 - 9 (1) provide statewide representation;
 - 10 (2) represent a broad range of individuals with disabilities from
 - 11 diverse backgrounds;
 - 12 (3) be knowledgeable about centers for independent living and
 - 13 independent living services; and
 - 14 (4) include a majority of members who:
 - 15 (A) are individuals with ~~significant~~ disabilities; and
 - 16 (B) are not employed by a state agency or a center for
 - 17 independent living.
- 18 SECTION 54. IC 12-12-8-10, AS ADDED BY P.L.217-2005,
- 19 SECTION 18, IS AMENDED TO READ AS FOLLOWS
- 20 [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The council has the powers
- 21 and duties specified in this chapter.
- 22 (b) The council ~~may~~ **shall** do the following:
 - 23 (1) Jointly develop and sign the state plan in conjunction with the
 - 24 designated state unit.
 - 25 (2) Monitor, review, and evaluate the implementation of the state
 - 26 plan.
 - 27 (3) Coordinate activities with the state rehabilitation council and
 - 28 other councils that address the needs of specific disability issues.
 - 29 (4) Submit periodic reports to the funding sources and provide
 - 30 access to the records that are necessary to verify contents of the
 - 31 reports.
 - 32 (5) Do other things necessary and proper to implement this
 - 33 chapter.
- 34 (c) The council shall ensure that all meetings of the council are open
- 35 to the public and in accessible formats with sufficient advance public
- 36 notice.
- 37 SECTION 55. IC 12-12-8-11, AS ADDED BY P.L.217-2005,
- 38 SECTION 19, IS AMENDED TO READ AS FOLLOWS

1 [EFFECTIVE JULY 1, 2006]: Sec. 11. The division **and the council**
2 shall **jointly** prepare the state plan that must be submitted to the
3 commissioner."

4 Page 69, line 41, delete "ADDED BY P.L.218-2005," and insert
5 "AMENDED BY HEA 1040-2006, SECTION 335,".

6 Page 69, line 42, delete "SECTION 81,".

7 Renumber all SECTIONS consecutively.

(Reference is to SB 41 as printed January 20, 2006.)

and when so amended that said bill do pass.

Representative Brown T